

**From:** Boyd, Andrew  
**Sent time:** 05/25/2016 07:02:29 AM  
**To:** David Heineck (davidh@SummitLaw.com) <davidh@SummitLaw.com>  
**Cc:** Connery, Shannon  
**Subject:** FW: FMC Financial Assurance Letter  
**Attachments:** FMC Financial Assurance Letter 5-24-16.pdf

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FYI

Andrew Boyd  
U.S. EPA, Region 10  
Tel: (206) 553-1222  
boyd.andrew@epa.gov  
SENSITIVE COMMUNICATION INTENDED ONLY  
FOR USE OF RECIPIENTS NAMED ABOVE

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**From:** Williams, Jonathan  
**Sent:** Tuesday, May 24, 2016 6:22 PM  
**To:** Marguerite Carpenter <MARGUERITE.CARPENTER@fmc.com>  
**Cc:** Boyd, Andrew <Boyd.Andrew@epa.gov>; Bruce Olenick (bruce.olenick@deq.idaho.gov) <bruce.olenick@deq.idaho.gov>; Kelly Wright <kwright@sbtribes.com>; Sheldrake, Beth <sheldrake.beth@epa.gov>; McDonnell, Kimberlee <McDonnell.Kimberlee@epa.gov>  
**Subject:** FMC Financial Assurance Letter

Marjo:

Attached is EPA's response to FMC's draft Letter of Credit and Associated Standby Trust Agreement. Hard copies should be in the U.S. mail tomorrow. Please contact me with any project management questions and Andy Boyd if your counsel has legal questions. Thanks.

Jonathan Williams, LHG  
Remedial Project Manager  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900, ECL-122  
Seattle, WA 98101

Telephone: (206) 553-1369  
E-mail: [williams.jonathan@epa.gov](mailto:williams.jonathan@epa.gov)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ENVIRONMENTAL  
CLEANUP

Marguerite Carpenter  
FMC Project Coordinator  
1735 Market Street  
Philadelphia, Pennsylvania 19103

Re: FMC Corporation Financial Assurance  
FMC Operable Unit of the Eastern Michaud Flats Superfund Site, Pocatello, ID  
Unilateral Administrative Order for Remedial Design and Remedial Action

Dear Dr. Carpenter:

EPA has reviewed the draft Letter of Credit (L/C) and associated Standby Trust Agreement (STA) received May 10, 2016. The draft L/C and STA were submitted to EPA for approval pursuant to the June 2013 Unilateral Administrative Order for Remedial Design and Remedial Action for the FMC OU, EPA Docket No. CERCLA-10-2013-0116. EPA disapproves the proposed documents as submitted, and provides the following comments.

1. The Standby Trust Agreement needs to be revised to conform to the trust agreement found at: [https://cfpub.epa.gov/compliance/models/view.cfm?model\\_ID=672](https://cfpub.epa.gov/compliance/models/view.cfm?model_ID=672)
2. Section 18 Notice provisions shall provide for notices to EPA to be directed to: Director, Office of Environmental Cleanup, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101-3140.
3. The letter of credit must be revised to include FMC contact person, title and contact info (address, phone email etc.) under Applicant in the letter heading.
4. In heading under TO add: Director, Office of Environmental Cleanup, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101-3140.
5. The date of the UAO needs to be corrected. The date of signature was June 10, 2013.
6. The letter of credit needs to be issued by an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

FMC must revise the documents as specified above and submit them to EPA for approval within 14 days. If you have any questions or concerns, I can be reached by telephone at (206) 553-1369 or e-mail

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at [williams.jonathan@epa.gov](mailto:williams.jonathan@epa.gov). Questions from FMC legal counsel should be directed to Andrew Boyd at 206-553-1222 or [boyd.andrew@epa.gov](mailto:boyd.andrew@epa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Jonathan Williams".

Jonathan Williams, LHG  
Remedial Project Manager

cc: Andy Boyd, Office of Regional Counsel  
Kelly Wright, Shoshone-Bannock Tribes  
Bruce Olenick, Idaho Department of Environmental Quality